IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Kazumi KOBAYASHI	Art Unit	: 3714
Appl. No.	: 10/759,133	Examiner	: Masud Ahmed
Filed	: January 20, 2004	Conf. No.	: 6663
For	: VIRTUAL CAMERA CONTROL METHOD IN THREE-DIMENSIONAL VIDEO GAME		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Final Official Action dated December 15, 2009 and the Advisory Action dated April 1, 2010, Applicant respectfully requests a Pre-Appeal Brief Panel to review and withdraw the outstanding rejection. The initial three-month shortened statutory period for response that was set to expire on March 15, 2010 is extended by the concurrent submission of a Request for a one-month Extension of Time set to expire on April 15, 2010.

REMARKS

Status of Claims

In the Advisory Action dated April 1, 2010, it was indicated that Applicant's Response filed under 37 C.F.R. § 1.116 on March 15, 2010 was considered. Applicant notes that no claim amendments were submitted in the above-mentioned Response. Thus, claims 1-26, as set forth in the Response filed on July 20, 2009, are pending in the present application with claims 1, 18, 22, and 26 being in independent form.

35 U.S.C. § 102 Rejection

In the outstanding Final Official Action, claims 1-26 (*i.e.*, all pending claims) were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Appl. Pub. No. 2001/0024972 to Kitao (hereinafter "KITAO") in view of EP Pat. Pub. No. 0528422 to Yamada (hereinafter "YAMADA"). Applicant respectfully traverses the rejection.

Independent Claim 1

Independent claim 1 recites a three-dimensional video game apparatus that sets a viewpoint position of a virtual camera in response to positions of multiple characters. Generally, according to independent claim 1, with reference to Figures 7A-C of the present application as a non-limiting and exemplary embodiment, a central position 500 of multiple characters Δ is determined, multiple temporary points 502a, 502b, 502c are set around the calculated central position 500 based on polar coordinates of the central position 500; a temporary viewpoint position 403 is determined on each line connecting one of the temporary points 502a, 502b, 502c and the central point 500 where all of the characters Δ can be projected on a virtual screen with a predetermined visual angle; a distance between each temporary viewpoint position 403 and the central position 500 is calculated and evaluated; and, based on the calculated and evaluated distances, one of the temporary viewpoint positions 403 is selected for moving a virtual camera thereto. According to such features, the virtual camera is set on one of the multiple lines, which each connect the central position 500 and the multiple temporary points 502a, 502b, 502c, at a position where all of the characters Δ can be viewed based on the calculated and evaluated distances. Thus, the virtual camera is not limited to a constant viewing angle.

Applicant respectfully submits that KITAO and YAMADA, alone or in combination, fail to render obvious such features as recited in the claimed combination of independent claim 1. Specifically, it is submitted that KITAO and YAMADA fail to render obvious at least the features of: setting multiple temporary points around the central position; setting, on each line connecting the temporary points with the central position, a temporary viewpoint position where all of the characters can be projected; calculating and evaluating a distance between each temporary viewpoint position and the central position, and selecting one of the temporary viewpoint positions to which to move the virtual camera based on the evaluation results.

To the contrary, KITAO discloses a game system including a first viewpoint position P1 and a second viewpoint position P2 (*see* KITAO, Figures 3 and 5). The first viewpoint position P1 is merely a default viewpoint position set on a backside of a player character 31, slightly inclined toward a moving direction of the player character 31 (*see*

KITAO, ¶[0055] and ¶[0057]). The first viewpoint position P1 moves with the player character 31 to keep a position relative to the player character 31 (KITAO, ¶[0055]).

When the player character 31 moves within a predetermined distance D of an opponent character 32, the first viewpoint position P1 of the player character 31 is switched to the second viewpoint position P2 (KITAO, ¶[0058]). The second viewpoint position P2 is set at a position that faces an observation point p that is a middle point between the player character 31 and the opponent character 32 (KITAO, ¶[0063]). The second viewpoint position P2 is located at a position on the side of the player character 31 and the opponent character 32 at a distance from the observation point p such that the player character 31 and the opponent character 32 are each seen facing one another (KITAO, ¶[0062], Figure 5). In other words, according to KITAO, the second viewpoint position P2 is *always* located on the side of the player character 31 and the opponent character 32 at a distance from the observation point p such that the player character 31 and the opponent character 32 are seen facing each other.

In the Advisory Action dated April 1, 2010, the Examiner acknowledges that KITAO merely "teaches the single viewpoint on the single line." However, the Examiner asserts that the player character 31 and the opponent character 32 may move, and thus, that KITAO teaches "recalculating or setting another temporary point." Accordingly, the Examiner asserts that KITAO renders obvious the above-mentioned features of the present application. It appears that the Examiner makes such an assertion because he believes that the claims of the present application allegedly fail to clearly show how the temporary points within the multiple lines, as recited by independent claim 1, are set.

With respect to the assertion that the claims allegedly fail to show how the temporary points are set, Applicant notes that independent claim 1 expressly recites that "the temporary points are set around the central position and a direction to each of the temporary points from the central position is predetermined based on polar coordinates of the central position" (*see, e.g.*, 502a, 502b, 502c of Figure 7B). Thus, Applicant respectfully submits that it cannot be reasonably asserted that the present claims fail to clearly show how the temporary points are set.

Moreover, after each temporary point is set based on the polar coordinates of the central position, independent claim 1 generally recites that a line connecting each of the

temporary points and the central position is determined, and a temporary viewpoint position is determined on each line where all of the characters can be projected on a virtual screen with a predetermined visual angle. In other words, *multiple temporary viewpoint positions* are determined on *multiple lines*. Thereafter, a distance between each temporary viewpoint position and the central position is calculated and evaluated, and based on the calculated and evaluated distances, one of the *multiple temporary viewpoint positions* 403 is selected for moving the virtual camera thereto. The remaining temporary viewpoint positions 403 are not selected as viewing angles.

With respect to the above, Applicant respectfully submits that KITAO cannot be reasonably interpreted to render obvious such features since, as acknowledged by the Examiner, KITAO merely "teaches the single viewpoint on the single line." That is, at least since KITAO does not disclose determining multiple temporary viewpoints, it is submitted that KITAO cannot be reasonably interpreted to disclose selecting one of multiple temporary viewpoint positions to which to move the virtual camera based on calculated and evaluated distances from each of the multiple temporary viewpoints to a central position.

Even assuming, *in arguendo*, that successive viewpoints of KITAO (which may result when the player character 31 and the opponent character 32 move) are interpreted to correspond to the temporary viewpoint positions of independent claim 1 (which Applicant submits that they cannot be reasonably interpreted to correspond to), Applicant respectfully submits that KITAO still cannot be reasonably interpreted to disclose that a distance from each successive viewpoint is calculated and evaluated, and that one of the successive viewpoints is determined to be the current viewpoint based on the calculated and evaluated distances. To the contrary, each successive viewpoint is calculated independently of one another and independently selected to be the viewpoint for the virtual camera. In other words, since KITAO discloses that the second viewpoint position P2 will always be a *single point* on the *same line* at the distance from the observation point such that the player character 31 and the opponent character 32 are seen facing each other, it is submitted that KITAO cannot be reasonably interpreted to disclose that distances to *multiple temporary points* on *multiple lines* are calculated and evaluated

and that *one* of the *multiple temporary points* is selected to be the current viewpoint based on the calculated and evaluated distances.

With respect to YAMADA, YAMADA merely appears to disclose a system for "panning" around an object for viewing the object from different angles (YAMADA, col. 2, lines 23-32). According to YAMADA, the viewpoint is moved about a hemisphere centered around the object (YAMADA, col. 2 line 54 to col. 3, line 1 and Figure 7A). Thus, it is submitted that YAMADA fails to cure the deficiencies of KITAO, *i.e.*, YAMADA fails to disclose at least the features of calculating and evaluating distances from a central point to *multiple temporary viewpoint positions* on *multiple lines* and selecting one of the *multiple temporary viewpoint positions* to which to move the virtual camera based on the calculated and evaluated distances as recited in the claimed combination of independent claim 1.

Accordingly, in view of the above, it is respectfully submitted that the combination of KITAO and YAMADA cannot be reasonably interpreted to render obvious the claimed combination of independent claim 1. Thus, it is respectfully requested that the rejection of independent claim 1 is withdrawn.

Independent Claims 18, 22, and 26 and Dependent Claims 19-24

Applicant submits that each of independent claims 18, 22, and 26 generally recite a similar combination of features as those set forth in independent claim 1. Accordingly, at least for the reasons set forth above, the rejection of these claims is similarly improper.

With respect to the rejection of dependent claims 2-17, 19-21, and 23-25, Applicant submits that each of these claims are directly or indirectly dependent from one of independent claims 1, 18, and 22. Thus, at least for the reasons discussed *supra*, the rejection of these dependent claims is also submitted to be improper.

CONCLUSION

In view of the above, reconsideration of the Final Office Action and allowance of the present application and all the claims recited therein are respectfully requested.

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